

REMARKS

In accordance with the foregoing, claims 47-56, 58, 62, 67, 68, 70, 72, 74, 75, 77, and 80 have been amended and new claims 81 and 82 have been added. No additional claim fee is required to add new claims 81 and 82. Claims 47-59 and 62-82 are pending, with claims 47, 52, 53, 55, 62, and 67 being independent. Claims 47-59 and 62-82 are directed to elected Invention I. No new matter is presented in this Amendment.

Applicants' Statement of Substance of Interview

The Office Action of June 22, 2011, includes an Interview Summary for a telephone interview conducted on June 15, 2011, and states that the interview was conducted by the Examiner, David Faber; the Examiner's supervisor, Supervisory Patent Examiner (SPE) Cesar Paula; and the undersigned attorney, Randall S. Svhila. The Interview Summary states as follows:

Claim(s) discussed:

Identification of prior art discussed:

Agreement with respect to the claims was reached.

Substance of Interview: Mr. Svhila contacted Examiner Faber and SPE Cesar Paula disclosing that the Office Action made Final mailed 4/20/2011 [sic] was improperly made Final. After reviewing the Office Action and the discussion made between the Examiners and Mr. Svhila, it was agreed upon that the Office Action made Final was improper and should have been made Non Final. As a result, the Examiner is resending the Office Action mailed 4/22/2011 as a Non Final Rejection with the time period reset. Furthermore, it is noted that some requests that were not addressed in the Office Action mailed on 4/20/2011 [sic] are addressed in the mailing of this Office Action.

The applicants generally agree with the statement of substance in the Interview Summary. However, according to the attorney's records, the interview of June 15, 2011, was conducted only by Mr. Paula and the attorney.

On June 12, 2011, the attorney left voice mail messages for the Examiner regarding deficiencies in the Final Office Action of April 22, 2011, and the improper finality of the Final Office Action of June 14, 2011.

On June 14, 2011, Mr. Paula and the attorney conducted a telephone discussion regarding the deficiencies in the Final Office Action of April 22, 2011, but did not discuss the premature finality of the Final Office Action of April 22, 2011.

On June 14, 2011, the Examiner left a voice mail message for the attorney stating that the Examiner did not agree that there were any deficiencies in the Office Action of April 22, 2011, and that he did not agree that the finality of the Final Office Action of April 22, 2011, was premature.

On June 14, 2011, the attorney left another voice mail message for Mr. Paula regarding the premature finality of the Final Office Action of April 22, 2011.

On June 15, 2011, Mr. Paula and the attorney conducted the telephone interview of June 15, 2011, during which they discussed the premature finality of the Final Office Action of April 22, 2011.

Information Disclosure Statement of February 13, 2004

The listing of US 2002/0059603 in the Information Disclosure Statement of February 13, 2004, contains an error. A correct listing of this reference was provided in the Information Disclosure Statement of November 19, 2010, which was considered in the Office Action of June 22, 2011.

Accordingly, it is respectfully requested that the Office provide, with the next Office Action, a copy of the Information Disclosure Statement of February 13, 2004, with a line drawn through the erroneous listing of US 2002/0059603 to prevent this erroneous listing from being used in printing the "References Cited" section of any patent that may issue from the present application, and marked to indicate that all of the other references have been considered.

The applicants made this same request on page 12 of the Amendment After Final Rejection of November 19, 2010, and on pages 16 and 17 of the Amendment of April 5, 2011. In response to this request, the Office states as follows on page 20 of the Office Action of June 22, 2011:

Its [sic] noted that the IDS filed on 2/13/2004 and 11/19/2010 both contain the correct listings of the Kelts reference. In the event that the Applicant believes the Kelts reference listed

is 2/13/2004 [sic], the filing of the "correct" listing in the IDS filed on 11/19/2004 would overwrite the previous entry disclosed in the IDS filed on 2/13/2004. Therefore, no need for the Examiner to mail out another copy of the IDS filed on 2/13/2004.

However, the listing of the Kelts reference (i.e., US 2002/0059603) in the Information Disclosure Statement is not correct as alleged by the Office because it lists the publication date of this reference as May 16, 2003, rather than the correct date of May 16, 2002, as listed in the correct listing of this reference in the Information Disclosure Statement of November 19, 2010.

Furthermore, it is submitted that the correct listing of the Kelts reference in the Information Disclosure Statement of November 19, 2010, will not necessarily overwrite the incorrect listing of this reference in the Information Disclosure Statement of February 13, 2004 as alleged by the Office because both listings are currently marked as having been considered by the Office, which might result in both listings being printed in the "References Cited" section of any patent that may issue from the present application, or might result in a "printer rush" query from the Office of Data Management during printing of such a patent, thereby potentially delaying issuance of the patent and requiring additional work by the Office.

Accordingly, once again it is respectfully requested that the Office provide, with the next Office Action, a copy of the Information Disclosure Statement of February 13, 2004, with a line drawn through the erroneous listing of US 2002/0059603 to prevent this erroneous listing from being used in printing the "References Cited" section of any patent that may issue from the present application, and marked to indicate that all of the other references have been considered.

Information Disclosure Statement of February 10, 2010

The Office Action of June 22, 2011, includes a copy of the Information Disclosure Statement of February 10, 2010, marked to correct an error in the listing of the Japanese Office Action and to indicate that all of the cited references have been considered. However, a corrected and more complete listing of the Japanese Office Action was provided in the Information Disclosure Statement of November 19, 2010, which was considered in the Office Action of June 22, 2011. Thus, the listing of the Japanese Office Action in the Information Disclosure Statement of February 10, 2010, is now superfluous.

Accordingly, it is respectfully requested that the Office provide, with the next Office Action, a copy of the Information Disclosure Statement of February 10, 2010, with a line drawn through the superfluous listing of the Japanese Office Action to prevent this superfluous listing from being used in printing the "References Cited" section of any patent that may issue from the present application, and marked to indicate that all of the other references have been considered.

The applicants made a similar request on page 12 of the Amendment After Final Rejection of November 19, 2010, and on pages 16 and 17 of the Amendment of April 5, 2011, but the Office did not comply with this request or otherwise respond to this request in the Office Action of June 22, 2011.

Request for Notice of References Cited (form PTO-892) Citing Reference Relied on by Office

On pages 13 and 14 of the Office Action of March 25, 2009, the Office rejected claims 1-22 on the ground of nonstatutory double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,493,552.

On page 16 of the Final Office Action of January 21, 2010, the Office rejected claims 1-4, 23-25, and 30-45 on the ground of nonstatutory double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,493,552.

On pages 16 and 17 of the Office Action of August 20, 2010, and on pages 18 and 19 of the Office Action of January 5, 2011, the Office rejected claims 47, 52, 53, 55, 60, 62, and 67 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-7 of U.S. Patent No. 7,493,552.

However, the Office has never cited U.S. Patent No. 7,493,552 in a Notice of References Cited (form PTO-892) as required by MPEP 707, which states as follows:

The list of references cited appears on a separate form, Notice of References Cited, PTO-892 (copy in MPEP § 707.05) attached to applicant's copies of the action.

On page 24 of the Amendment of November 19, 2010, and on pages 34 and 35 of the Amendment of April 5, 2011, the applicants requested that the Office provide a Notice of References Cited (form PTO-892) citing U.S. Patent No. 7,493,552. The Office did not respond

to this request in the Office Action of January 5, 2011. On page 20 of the Office Action of June 22, 2011, the Office states as follows:

It is noted that Applicant filed an IDS on 2/13/2004 which discloses the Application Serial 10/612415 within 10/777900. 10612415 is the Serial Number (#) for Patent 7493552. Therefore, the Office already recognizes the prosecution history of 10612415 and the fact that it was patented and assigned Patent #7493552 which is reflected within 10777900 by the filing of the IDS. Thus, 7493552 is already acknowledged within 10/777900 and there is no need to recite it in a Form 892. If Applicant disagrees with this reasoning, Applicant may file a Form 1449 disclosing Patent #7493552.

However, the Office is ignoring the fact that although the applicants cited Application No. 10/612,415 from which US 7,493,552 issued in the Information Disclosure Statement of February 13, 2004, it is the Office that cited and relied on U.S. Patent No. 7,493,552 in the Office Actions of March 25, 2009, January 21, 2010, August 20, 2010, and January 5, 2011. In light of this, it is submitted that it was the Office's responsibility to cite U.S. Patent No. 7,493,552 in a Notice of References Cited (form PTO-892) so this reference will be listed in the "References Cited" section of any patent that may issue from the present application to advise the public of which references were considered by the Office during the prosecution of the present application.

Accordingly, it is respectfully requested that the Office provide a Notice of References Cited (form PTO-892) citing U.S. Patent No. 7,493,552 with the next Office Action.

Claim Rejections Under 35 USC 112

In the Office Action of January 5, 2011, the Office rejected claims 47-51 and 55-60 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention. On pages 17-19 of the Amendment of April 5, 2011, the applicants presented arguments traversing this rejection. On page 19 of the Office Action of June 22, 2011, the Office states as follows:

After further review of Claims 47-51, 55-60 reject [sic] under 112, second paragraph, the 112 rejection was not withdrawn in light of Applicant's remarks filed on 4/5/2011; however, it was determined it [sic] does not have an indefinite [sic] issue.

Therefore, the claim limitations comply with the 112, second paragraph requirements.

However, absent any explanation of why the rejection was not withdrawn in light of the applicants' arguments and any explanation of why the Office no longer considers claims 47-51 and 55-60 to be indefinite after further review, it is submitted that the applicants' arguments on pages 17-19 of the Amendment of April 5, 2011, must be taken as being correct.

Claim Amendments

Throughout the claims, "mark-up documents" has been changed to "at least one application" and "mark-up screen" has been changed to "interactive mode screen". It is submitted that these changes are supported at least by paragraphs [0042] and [0043] of the specification as originally filed, which state as follows (emphasis added):

[0042] According to an aspect of the present invention, 'mark-up documents' includes all documents written in the mark-up language, such as HTML or XML, and documents where source codes written in a script language or Java is linked or inserted and even represents mark-up resource, such as files linked to a mark-up document. In other words, the mark-up document serves as an application program to reproduce AV data in an interactive mode and contains interactive contents to be displayed together with the AV data.

[0043] FIG. 1 is a schematic diagram illustrating a reproduction system, according to an aspect of the present invention. Referring to FIG. 1, the reproduction system includes a DVD 300, which is a data storage medium according to an aspect of the present invention, an apparatus 200 to reproduce data, a TV set 100, which is a display device according to an aspect of the present invention, and a remote controller 400, which is a user input device. The remote controller 400 receives a control command from a user and transmits the control command to the apparatus 200 to reproduce the data. The apparatus 200 to reproduce the data includes a DVD drive 201 to reproduce the data from the DVD 300. When the DVD 300 is loaded onto the DVD drive 201 and the user selects the interactive mode, the apparatus 200 to reproduce the data reproduces the AV data recorded on the DVD 300 in the interactive mode using the mark-up document corresponding to the AV data and transmits the reproduced AV data to the TV set 100. The TV set 100 displays a mark-up screen

obtained using the mark-up document with an AV screen obtained by reproducing the AV data. The AV screen is embedded in the mark-up screen. Here, the interactive mode represents a display mode in which the AV data is reproduced, displayed in a display window defined by the mark-up document, i.e., a display mode in which the AV screen displays the AV data and is embedded in the mark-up screen. Here, the AV screen represents a screen displayed on the display device, i.e., the TV set 100, when reproducing the AV data, and the mark-up screen represents a screen displayed on the display device when interpreting the mark-up document. A screen displayed in an interactive mode is called an interactive screen. The interactive screen includes the AV screen and the mark-up screen. A video mode represents a conventional data reproduction mode defined by DVD-video standards, i.e., a mode in which only the AV screen obtained by reproducing the AV data is displayed. In an aspect of the present invention, the apparatus 200 supports both the interactive mode and the video mode.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 47, 50, 52-59, 62-70, 73, and 77-79 have been rejected under 35 USC 103(a) as being unpatentable over Lamkin et al. (Lamkin) (US 2002/0088011) in view of Otsuka et al. (Otsuka) (US 2003/0044171) and Kanazawa et al. (Kanazawa) (US 6,580,870). This rejection is respectfully traversed.

Claim 47

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features of independent claim 47:

47. A data storage medium comprising:

....

a plurality of mark-up documents corresponding to different parental levels; and

a start-up mark-up document specifying which one of the plurality of mark-up documents corresponding to different parental levels is to be interpreted by the presentation engine of the apparatus depending on a parental level set in the apparatus.

The Office considers the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, to be "a start-up mark-up document" as recited in claim 47. This file is stored in the DVD in FIG. 2 of Lamkin, and, *inter alia*, can be used by a user to access a web site on the Internet.

Also, the Office considers the HTML document or file in paragraphs [0003], [0021], [0025], and [0027] of Otsuka that is read in step 304 in FIG. 3 of Otsuka to be "a start-up mark-up document" as recited in claim 47. This HTML document or file is stored on the local optical disc 116 in FIG. 1 of Otsuka, and, *inter alia*, can be used by a user to retrieve a web document stored on the local optical disc 116.

The Office is apparently of the opinion that it would have been obvious to store a plurality of HTML or mark-up documents on Lamkin's DVD 204 as taught by Otsuka to enable a user of Lamkin's apparatus to use Lamkin's index.htm file or other "start-up mark-up document" to access the plurality of mark-up documents stored on Lamkin's DVD 204 "since it would have provided the benefit of allowing users to retrieve additional information about a topic quickly without the need of a network or Internet."

The Office considers page 11, right column, of Lamkin to disclose selecting a parental level (the ITX command "SelectParentalLevel(n)"), and considers Kanazawa to disclose "analyzing the content of the web page and only selecting and retrieving web page/web page content that coincides with the set parental level." The Office is of the opinion that it would have been obvious "to have modified Lamkin and Otsuka with Kanazawa since it would have provided the benefit of enabling the user to acquire the best related information while conforming with the attributes of the system."

MPEP 2141 states as follows on MPEP page 2100-119 (emphasis added):

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

Here, the Office has not explained how it is proposing to modify "Lamkin and Otsuka with Kanazawa" to provide "a start-up mark-up document specifying which one of the plurality of mark-up documents corresponding to different parental levels is to be interpreted by the presentation engine of the apparatus depending on a parental level set in the apparatus" as recited in claim 47.

That is, the Office has not explained how the features of Kanazawa that enable "analyzing the content of the web page and only selecting and retrieving web page/web page content that coincides with the set parental level" would be incorporated into the combination of Lamkin and Otsuka proposed by the Office to provide this feature of claim 47, and what would have prompted one of ordinary skill in the art to combine these features of Kanazawa with the combination of Lamkin and Otsuka in such a manner.

FIG. 2 of Kanazawa shows a DVD 40 that includes title information 40a, which is AV information, and an information management table 40b, which is shown in detail in FIGS. 3 and 4 of Kanazawa, and includes access information 30. FIG. 4 of Kanazawa shows that the information management table 40b includes a table 40c "for defining the access information 30 on the basis of the parental information and is designed to select link information (URL display related information) on the basis of the parental information and connect the system to the optimum Web server" (see column 5, lines 55-63, of Kanazawa). FIG. 4 shows that the table 40c includes URL display related information for different parental levels.

FIG. 5 of Kanazawa shows that the first operation that is performed during a reproducing operation is to read the web or URL display related information from the information management table 40b in step S1 (see column 6, lines 43-50, of Kanazawa). However, the actual web page corresponding to the web or URL display related information and the parental level set in the system is not accessed in step S1 in FIG. 5. Rather, as shown in FIG. 9 of Kanazawa, the actual web page corresponding to the web or URL display related information read in step S1 and the set parental level is not accessed until step S75 in FIG. 9 of Kanazawa is performed, which is performed only if the user presses the web key or mark 90 displayed on the screen 10a of the display 10 as shown in FIGS. 10A-10C, 11A, 13B, and 19A of Kanazawa.

Accordingly, if one of ordinary skill in the art were to incorporate the teachings of Kanazawa into the combination of Lamkin and Otsuka proposed by the Office, it is submitted that one of ordinary skill in the art would store Kanazawa's information management table 40b

including the table 40c on the DVD 204 in FIG. 2 of Lamkin, and access web pages corresponding to the web or URL display related information stored in Kanazawa's table 40c and the parental level set by Lamkin's ParentalLevelSelect(n) ITX command. In such a combination, it is submitted that it would be Kanazawa's table 40c that would specify which one of a plurality of mark-up documents stored on Lamkin's DVD 204 as taught by Otsuka corresponding to different parental levels is to be interpreted by the browser/presentation engine 210 in FIG. 2 of Lamkin, rather than the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office considers to be "a start-up mark-up document" as recited in claim 47.

It is submitted that nothing whatsoever in Lamkin, Otsuka, and Kanazawa would have prompted one of ordinary skill in the art to incorporate the web or URL display related information in Kanazawa's table 40c into the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office considers to be "a start-up mark-up document" as recited in claim 47.

Furthermore, the way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

It is submitted that nothing whatsoever in Lamkin, Otsuka, and Kanazawa would have taught one of ordinary skill in the art how to modify the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office considers to

be "a start-up mark-up document" as recited in claim 47, to provide the functionality described in the above passage of Kanazawa.

Accordingly, it is submitted that the rejection of claim 47 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 47.

Claim 52

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features now recited in independent claim 52:

wherein the interactive directory comprises a plurality of sub-directories corresponding to a plurality of different parental levels; and

the at least one application comprises a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels.

The Office considers paragraphs Lamkin to disclose "a plurality of sub-directories" as recited in claim 52, stating as follows:

Lamkin discloses the common directory (a form of "root" directory) contains an index page and device specific subdirectories. Also, Lamkin discloses ROM content is stored in subdirectories and top-level directories containing subdirectories. For example, top-level Sony directory may have a PS2, PS3, and CE (platform) directories wherein each platform directory contains an ITX.htm file (startup). Lamkin explicitly discloses the creation of PS2 and PS3 directories under the Sony directory. Therefore, the PS2 & PS2 directories are subdirectories of the Sony directory. Thus, Lamkin teaches various directories (i.e. directories and subdirectories) storing both DVD content and HTML content accordingly (Lamkin paragraph 0035, 0080, 0089-0090, 0099)

However, as pointed out by the Office, Lamkin's subdirectories correspond to a plurality of different platforms, such as the Sony PS2, the Sony PS3, and the Sony CE, rather than to "a plurality of different parental levels" as recited in claim 52.

Furthermore, although the Office has pointed out that page 11, right column, of Lamkin discloses an ITX command "SelectParentalLevel(n)" that allows a parental level to be selected, the Office has not even alleged that any of Lamkin's subdirectories correspond to "a plurality of different parental levels" as recited in claim 52.

The Office admits that Lamkin and Otsuka do not disclose or suggest "a plurality of mark-up documents corresponding to the plurality of different parental levels" as recited in claim 52. However, the Office considers this feature to be taught by Kanazawa, stating as follows:

Kanazawa discloses the ability to restrict the access of Web display related information (web page) based on a parental level wherein the access information is defined on the basis of parental information related to a parental function in system attribute information set in the system. Kanazawa discloses analyzing the contents of the web page and only selecting and retrieving web page/web page content that coincides with the set parental level.

The Office is of the opinion that it would have been obvious to incorporate this feature of Kanazawa into the combination of Lamkin and Otsuka proposed by the Office, stating as follows:

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Lamkin and Otsuka with Kanazawa since it would have provided the benefit of enabling the user to acquire the best related information while conforming with the attributes of the system.

However, the Office has not explained how it is proposing to modify "Lamkin and Otsuka with Kanazawa" to provide the features "wherein the interactive directory comprises a plurality of sub-directories corresponding to a plurality of different parental levels" and "a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels" recited in claim 52, and what would have prompted one of ordinary skill in the art to modify "Lamkin and Otsuka with Kanazawa" to provide these features.

Kanazawa's "plurality of mark-up documents corresponding to the plurality of different parental levels" are not stored on the DVD 40 in FIGS. 1 and 2 of Kanazawa, but are stored on Web servers as described in the following passage in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display

related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

The Office is of the opinion that Otsuka teaches that it would have been obvious to store Kanazawa's Web pages corresponding to different parental levels on the DVD 204 in FIG. 2 of Lamkin "since it would have provided the benefit of allowing users to retrieve additional information about a topic quickly without the need of a network or Internet."

However, the Office has not explained what would have prompted one of ordinary skill in the art to make some of the subdirectories disclosed by Lamkin "correspond[] to a plurality of different parental levels" as recited in claim 52, and then to store Kanazawa's Web pages corresponding to different parental levels "in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels" as recited in claim 52.

Accordingly, it is submitted that the rejection of claim 52 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 52.

Claim 53

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features now recited in independent claim 53 for at least the same reasons discussed above that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the substantially similar features now recited in claim 52:

wherein the interactive directory comprises a plurality of sub-directories corresponding to a plurality of different parental levels; and

the at least one application comprises:

a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding

ones of the plurality of sub-directories corresponding to the plurality of different parental levels.

Furthermore, it is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following feature of claim 53:

a start-up mark-up document comprising link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels.

The Office apparently considers the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, to be "a start-up mark-up document comprising link information identifying locations of [a] plurality of mark-up documents" as recited in claim 53.

However, as apparently recognized by the Office, Lamkin does not disclose or suggest "a plurality of mark-up documents corresponding to [a] plurality of different parental levels" as recited in claim 53.

The Office apparently considers Kanazawa to disclose "link information identifying locations of [a] plurality of mark-up documents corresponding to [a] plurality of different parental levels" as recited in claim 53, and is apparently of the opinion that it would have been obvious to incorporate this feature of Kanazawa into the combination of Lamkin and Otsuka proposed by the Office, stating as follows:

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Lamkin and Otsuka with Kanazawa since it would have provided the benefit of enabling the user to acquire the best related information while conforming with the attributes of the system.

Here, the Office has not explained how it is proposing to modify "Lamkin and Otsuka with Kanazawa" to provide "a start-up mark-up document comprising link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels" as recited in claim 53, and what would have prompted one of ordinary skill in the art to make such a combination.

As discussed above in connection with claim 47, FIG. 4 of Kanazawa shows that the table 40c includes URL display related information for different parental levels. Assuming *arguendo* that the Office considers Kanazawa's URL display related information for different

parental levels to correspond to "link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels" as recited in claim 53, the Office has not identified anything whatsoever in Lamkin, Otsuka, and Kanazawa that would have prompted one of ordinary skill in the art to have incorporated Kanazawa's URL display related information for different parental levels into the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office considers to be "a start-up mark-up document" as recited in claim 53, in order to provide "a start-up mark-up document comprising link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels" as recited in claim 53.

Furthermore, the way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

It is submitted that nothing whatsoever in Lamkin, Otsuka, and Kanazawa would have taught one of ordinary skill in the art how to modify the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office considers to be "a start-up mark-up document" as recited in claim 53, to provide the functionality described in the above passage of Kanazawa.

Accordingly, it is submitted that the rejection of claim 53 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 53.

Claim 55

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following feature now recited in independent claim 55:

wherein the at least one application comprises a mark-up document comprising, or linked to, display rule information for a plurality of different parental levels specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the apparatus.

On page 11 of the Office Action of June 22, 2011, the Office states "[a]s per independent claim 55, Claim 55 recites similar limitations as in Claims 47 and 52 and is similarly rejected under rationale [sic]."

However, claims 47 and 52 do not recite the feature "wherein at least one application comprises a mark-up document comprising, or linked to, display rule information for a plurality of different parental levels specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the apparatus" recited in claim 55, and the Office has not identified the specific element(s) in Lamkin, Otsuka, and Kanazawa that the Office considers to correspond to the "display rule information for a plurality of different parental levels specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the apparatus" recited in claim 55. Accordingly, it is submitted that the Office has not established a *prima facie* case of obviousness with respect to this feature of claim 55.

Furthermore, as discussed above in connection with claim 47, FIG. 4 of Kanazawa shows that the table 40c includes URL display related information for different parental levels. Assuming *arguendo* that the Office considers Kanazawa's URL display related information for different parental levels to correspond to "display rule information for a plurality of different parental levels specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the apparatus" as recited in claim 55, it is submitted that Kanazawa's table 40c is not "a mark-up document" as recited in claim 55. Accordingly, it is submitted that Kanazawa's table 40c is not "a mark-up document comprising, or linked to, display rule information for a plurality of different parental levels specifying whether to display the

interactive contents associated with the AV data depending on a parental level set in the apparatus as recited in claim 55.

Furthermore, the way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

It is submitted that nothing whatsoever in Lamkin, Otsuka, and Kanazawa would have taught one of ordinary skill in the art how to modify the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office apparently considers to be "a mark-up document" as recited in claim 55, to provide the functionality described in the above passage of Kanazawa.

Accordingly, it is submitted that the rejection of claim 55 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 55.

Claim 58

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features now recited in dependent claim 58:

58. The data storage medium of claim 55, wherein
elements of the at least one application and/or the mark-up
document each have a class attribute; and

the display rule information for the plurality of different parental levels specifies whether to display each of the elements depending on a value of the class attribute of the element and the parental level set in the apparatus.

The Office states as follows on pages 29 and 30 of the Office Action of June 22, 2011:

While Kanazawa does not use the word "class", the claim language fails to specifically disclose what a class attribute of the element actually is. Therefore, the broadest reasonable interpretation is used. Based on the rejection of Claim 52, 55, and the rationale incorporated, Kanazawa discloses blocking/restricting web content based upon a numerical (value) control (8 parental level values, 1-8) wherein these set predetermined values determine which elements, content and other information of the Web page to [sic] be displayed, and teaches specifying which content/web pages a user is allowed to access, based on the set parental level.

However, the Office has not identified the specific element(s) in Kanazawa that it considers to correspond to the "class attribute" recited in claim 58, such that the Office has not established a *prima facie* case of obviousness with respect to this feature of claim 58.

Furthermore, as discussed above in connection with claim 47, FIG. 4 of Kanazawa shows that the table 40c includes URL display related information for different parental levels. The way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

The Office apparently considers the web pages corresponding to different parental levels that are obtained by Kanazawa's apparatus to correspond to "the mark-up documents" previously recited in claim 58; will presumably take the position that the web pages

corresponding to different parental levels that are obtained by Kanazawa's apparatus correspond to "the at least one application and/or the mark-up document" now recited in claim 58; and apparently considers the parental levels to be "class attribute[s]" as recited in claim 58.

However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that elements of the web pages corresponding to different parental levels that are obtained by Kanazawa's apparatus each have a parental level or "class attribute." Accordingly, it is submitted Kanazawa does not disclose or suggest the feature "wherein elements of the mark-up documents each have a class attribute" previously recited in claim 58, or the feature "wherein elements of the at least one application and/or the mark-up document each have a class attribute" now recited in claim 58.

Furthermore, the Office apparently considers the web or URL display related information for different parental levels in the table 40c in FIG. 4 of Kanazawa to correspond to "the display rule information for the plurality of different parental levels" recited in claim 58. However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that Kanazawa's web or URL display related information for different parental levels in the table 40c specifies whether to display each of the elements of the web pages corresponding to different parental levels that are obtained by Kanazawa's apparatus depending on a value of a parental level or "class attribute" and the parental level set in Kanazawa's apparatus. Rather, Kanazawa's web or URL display related information for different parental levels in the table 40c merely specifies which entire web page is to be displayed. Accordingly, it is submitted that Kanazawa does not disclose or suggest the feature "wherein the display rule information for the plurality of different parental levels specifies whether to display each of the elements depending on a value of the class attribute of the element and the parental level set in the apparatus" recited in claim 58.

Accordingly, it is submitted that the rejection of claim 58 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 58.

Claim 62

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features now recited in independent claim 62:

62. An apparatus to reproduce data recorded on a data storage medium, the data comprising audio/video (AV) data, and at least one application to reproduce the AV data in an interactive mode, the at least one application comprising a mark-up document comprising display rule information for a plurality of different parental levels, the apparatus comprising:

an optical pickup to radiate laser beams on the data storage medium to read the at least one application and the AV data from the data storage medium;

an AV decoder to decode the AV data read by the optical pickup to reproduce the AV data;

a presentation engine to interpret the at least one application read by the optical pickup to generate an interactive mode screen having an AV screen embedded therein; and

a blender to blend the interactive mode screen generated by the presentation engine and the AV data reproduced by the decoder so that the reproduced AV data is displayed on the AV screen embedded in the interactive mode screen;

wherein the presentation engine:

identifies a value of a predetermined attribute of an element of one of the at least one application or an element of the mark-up document; and

determines whether to display the element on the interactive mode screen depending on the value of the predetermined attribute, the display rule information, and a parental level set in the apparatus.

On page 31 of the Office Action of June 22, 2011, the Office states as follows:

Lamkin discloses identifying parental level values (Page 11, Right Column, ParentalLevelSelect(n)" command) that allows a parental level to be selected. Selecting is a form of identifying); however, fail [sic] to specifically disclose a presentation engine identifying a predetermined value of an element of the mark-up document and determining whether to display the element depending on the predetermined value, parental level and display rule information. However, based on the rejection of Claim 52, 55, and the rationale incorporated, Kanazawa discloses the ability to restrict the access of Web display related information (web

page/web page content) based on a parental level wherein the access information is defined on the basis of parental information related to a parental function in system attribute information set in the system. Kanazawa discloses analyzing the content of the web page and only selecting and retrieving web page/web page content that coincides with the set parental level. This is based upon a numerical (value) control (8 parental level values, 1-8) wherein these set predetermined values determine which elements, content and other information of the Web page to be displayed, and teaches specifying which content/web pages a user is allowed to access, based on the set parental level.

However, the Office has not identified the specific element(s) in Kanazawa that it considers to correspond to the "predetermined attribute" recited in claim 62, such that the Office has not established a *prima facie* case of obviousness with respect to this feature of claim 62.

Furthermore, as discussed above in connection with claim 47, FIG. 4 of Kanazawa shows that the table 40c includes URL display related information for different parental levels. The way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

The Office apparently considers the web pages corresponding to different parental levels that are obtained by Kanazawa's apparatus correspond to "the mark-up documents" previously recited in claim 62; will presumably take the position that the web pages corresponding to different parental levels that are obtained by Kanazawa's apparatus correspond to "the at least one application" and "the mark-up document" now recited in claim 62; and apparently considers the parental levels to be "predetermined attribute[s]" as recited in claim 62.

However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests Kanazawa's apparatus identifies a value of a parental level or "predetermined attribute" of an element of one of the web pages or "the mark-up documents" or "the at least one application" or "the mark-up document" corresponding to different parental levels that are obtained by Kanazawa's apparatus. Accordingly, it is submitted Kanazawa does not disclose or suggest "identifying a value of a predetermined attribute of an element of one of the mark-up documents" as previously recited in claim 62, or "identifying a value of a predetermined attribute of an element of one of the at least one application or an element of the mark-up document" as now recited in claim 62.

Furthermore, the Office apparently considers the web or URL display related information for different parental levels in the table 40c in FIG. 4 of Kanazawa to correspond to "display rule information for a plurality of different parental levels" recited in claim 62. However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that Kanazawa's web or URL display related information for different parental levels in the table 40c is used to determine whether to display an element of one of the web pages or "the mark-up documents" or "the at least one application" or "the mark-up document" corresponding to different parental levels that are obtained by Kanazawa's apparatus on the mark-up screen or interactive mode screen depending on the value of the parental level or "predetermined attribute," the web or URL display related information for different parental levels or "display rule information," and a parental level set in the apparatus. Rather, Kanazawa's web or URL display related information for different parental levels in the table 40c merely specifies which entire web page is to be displayed. Accordingly, it is submitted that Kanazawa does not disclose or suggest "determin[ing] whether to display the element on the mark-up screen or interactive mode screen depending on the value of the predetermined attribute, the display rule information, and a parental level set in the apparatus" recited in claim 62.

Accordingly, it is submitted that the rejection of claim 62 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 62.

Claim 65

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features of dependent claim 65:

wherein the predetermined attribute is a class attribute.

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the above feature of claim 65 relating to a "class attribute" for at least the same reasons discussed above that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the similar features of claim 58 relating to a "class attribute."

Claim 67

It is submitted that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the following features now recited in independent claim 67:

67. An apparatus to reproduce data from a data storage medium,
the data comprising
audio/video (AV) data, and
at least one application to reproduce the AV data in an interactive mode by displaying the AV data on an AV screen embedded in an interactive mode screen displaying interactive contents associated with the AV data,
the at least one application comprising a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the apparatus,
the apparatus comprising:
an optical pickup to radiate laser beams on the data storage medium to read the at least one application and the AV data from the data storage medium; and
a presentation engine to interpret the mark-up document comprising the instructions corresponding to the different parental levels in the at least one application read by the optical pickup to determine whether to display the interactive contents associated with the AV data depending on the parental level set in the apparatus.

On page 15 of the Office Action of June 22, 2011, the Office states as follows:

As per claims 67-68, Claim [sic] 67-68 recite similar limitations as in Claims 47, 55, and 62 and is similarly rejected under rationale.

However, claims 47, 55, and 62 do not recite the feature "a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the apparatus" that is recited in claim 67. Accordingly, it is submitted that the Office has not established a *prima facie* case of obviousness with respect to this feature of claim 67.

As discussed above in connection with claim 47, FIG. 4 of Kanazawa shows that the table 40c includes URL display related information for different parental levels. Assuming *arguendo* that the Office considers Kanazawa's URL display related information for different parental levels to correspond to "instructions corresponding to different parental levels" as recited in claim 67, it is submitted that Kanazawa's table 40c is not a "a mark-up document" as recited in claim 67. Accordingly, it is submitted that Kanazawa does not disclose or suggest "a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the apparatus" as recited in claim 67.

Furthermore, the Office has not identified anything whatsoever in Lamkin, Otsuka, and Kanazawa that would have prompted one of ordinary skill in the art to have incorporated Kanazawa's URL display related information for different parental levels into the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office apparently considers to be "a mark-up document" as recited in claim 67, in order to provide "a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the apparatus" as recited in claim 67.

Furthermore, the way Kanazawa's apparatus accesses a web page corresponding to the set parental level based on the web or URL display related information stored in the table 40c is described as follows in column 9, lines 16-27, of Kanazawa:

After the series of processes, the CPU 1 refers to the attached table 40c of FIG. 4 and checks on the basis of parental information (or parental level) to see if more than one piece of WEB display related information (or link information) is present (step S75). The CPU 1 checks the parental level set in the system on the basis of the preset parental information and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page (in this case, a home page that coincides with, for example, parental levels 0 to 3), the related information prepared in the Web server (step S76).

It is submitted that nothing whatsoever in Lamkin, Otsuka, and Kanazawa would have taught one of ordinary skill in the art how to modify the index.htm file in paragraph [0075] of Lamkin, or the screenplay in HTML format in paragraph [0066] of Lamkin, or the HTML page shipped with the DVD in paragraphs [0068] and [0070] of Lamkin, which the Office apparently considers to be "a mark-up document" as recited in claim 67, to provide the functionality described in the above passage of Kanazawa.

Accordingly, it is submitted that the rejection of claim 67 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claim 67.

Conclusion—Rejection 1

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 47, 50, 52-59, 62-70, 73, and 77-79 (i.e., claims 47, 52, 53, 55, 58, 62, 65, and 67 discussed above and claims 50, 54, 56, 57, 59, 63, 64, 66, 68-70, 73, and 77-79 depending directly or indirectly from claims 47, 53, 55, 62, and 67) under 35 USC 103(a) as being unpatentable over Lamkin in view of Otsuka and Kanazawa be withdrawn.

Rejection 2

Claims 48, 49, 51, 71, 72, 74-76, and 80 have been rejected under 35 USC 103(a) as being unpatentable over Lamkin in view of Otsuka, Kanazawa, and Berstis et al. (Berstis) (US 6,510,458). This rejection is respectfully traversed.

Claims 48 and 74

It is submitted that Lamkin, Otsuka, Kanazawa, and Berstis do not disclose or suggest the following feature now recited in dependent claim 48:

wherein the start-up mark-up document comprises:

meta-information indicating parental levels of the plurality of mark-up documents corresponding to different parental levels.

The Office admits that Lamkin, Otsuka, and Kanazawa do not disclose or suggest the similar feature previously recited in claim 48, but considers this similar feature to be taught by Berstis, stating as follows:

Berstis teaches HTML meta-information associated with parental levels (Berstis column 10 lines 10-19; col 12 lines 13-15; col 14 lines 60-67 -insert an extra header into the document before the contents of the document; col 15, lines 4-6, 12-25, – embedding in the document).

However, it is submitted that column 10, lines 10-19; column 12 lines 13-15; and column 14, lines 60-67, of Berstis do not teach "insert[ing] an extra header into the document before the contents of the document" as alleged by the Office. Rather, column 14, lines 60-63, of Berstis states "[t]he recommended method, if an HTTP server allows it, is to insert an extra header in the HTTP header stream that precedes the contents of documents that are sent to web browsers." That is, the extra header is inserted into an HTTP header stream, not into a document as alleged by the Office.

Furthermore, although column 15, lines 4-6, of Berstis states "a simpler but more limited method is to embed labels in HTML documents, but not with images, video, or anything else," the HTML document in which the label is embedded is the HTML document to which the label pertains.

In contrast, the meta-information included in the start-up mark-up document recited in claim 48 does not indicate a parental level of the start-up mark-up document, but indicates parental levels of other mark-up documents, i.e., "the mark-up documents" previously recited in claim 48 and "the plurality of mark-up documents corresponding to different levels" not recited in claim 48. It is submitted that Berstis does not teach that a label embedded in one HTML

document pertains to another HTML document as would be necessary for Berstis to arguably teach the above feature of claim 48.

Accordingly, for at least the foregoing reasons, it is submitted that Berstis does not teach the following feature now recited in claim 48 as alleged by the Office:

wherein the start-up mark-up document comprises:

meta-information indicating parental levels of the plurality of mark-up documents corresponding to different parental levels,

or the following similar feature now recited in dependent claim 74:

wherein the mark-up document comprising the instructions corresponding to the different parental levels is a start-up mark-up document comprising:

meta-information indicating the parental levels of the plurality of mark-up documents corresponding to the different parental levels.

Arguments similar to the above arguments were also presented on pages 32-34 of the Amendment of April 5, 2011. In response to these arguments the Office states as follows on pages 32 and 33 of the Office Action of June 22, 2011:

On pages 32-34, in regards to Claim [sic] 48 and 74, Applicant argues that Bertis [sic] et al [sic] alone does not disclose a start-up document comprising meta-information indicating a parental level of the mark-up documents. However, the Examiner disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

However, the Office alleged that "Berstis teaches HTML meta-information associated with parental levels." The applicants explained that Berstis does not teach that a label embedded in one HTML document pertains to another HTML document as would be necessary for Berstis to arguably teach the feature "wherein the start-up mark-up document comprises: meta-information indicating a parental level of the mark-up documents" previously recited in claim 48, or the similar feature previously recited in claim 74. It is submitted that this is not attacking references individually, but is merely explaining why Berstis does not teach the feature

that the Office says it does. The Office has not pointed out any error in the applicants' arguments. Accordingly, it is submitted that the applicants' arguments must be taken as correct.

Furthermore, the Office states as follows on pages 17 and 33 of the Office Action of June 22, 2011:

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, Otsuka and Kanazawa [sic], providing the benefit of meta-data to more accurately describe parental data and selecting which HTML page (via links) to view based on parental levels.

However, the Office has not explained why incorporating the HTML meta-information associated with parental levels allegedly taught by Berstis into the combination of Lamkin, Otsuka, and Kanazawa proposed by the Office would provide the benefit of "more accurately describ[ing] parental data and selecting which HTML page (via links) to view based on parental levels" as alleged by the Office. Nor is it seen where anything whatsoever in Berstis provides support for this benefit.

Furthermore, it appears that the URL display related information for different parental levels in the table 40c in FIG. 4 of Kanazawa already sufficiently "accurately describe[s] parental data," and already enables Kanazawa's apparatus to "select which HTML page (via links) to view based on parental levels." Accordingly, it is submitted that there would have been no reason for one of ordinary skill to have incorporated the HTML meta-information associated with parental levels allegedly taught by Berstis into the combination of Lamkin, Otsuka, and Kanazawa proposed by the Office. Rather, it is submitted that this modification proposed by the Office is based solely on an impermissible hindsight reconstruction of the invention that includes knowledge gleaned only from the applicants' disclosure, which is prohibited in an obviousness rejection under 35 USC 103(a) pursuant to MPEP 2145(X)(A).

Accordingly, it is submitted that the rejection of claims 48 and 74 is not supported by some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by *KSR* and *Katz, supra*, such that the Office has not established a *prima facie* case of obviousness with respect to claims 48 and 74.

Claims 51, 71, 72, and 80

Although the propriety of the rejection is not conceded, it is submitted that dependent claims 51, 71, 72, and 80 depending from independent claims 47 and 67 are patentable over Lamkin, Otsuka, Kanazawa, and Berstis for at least the same reasons discussed above that claims 47 and 67 are patentable over Lamkin, Otsuka, and Kanazawa.

Conclusion—Rejection 2

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 48, 49, 51, 71, 72, 74-76, and 80 (i.e., claims 48, 71, 72, 74, and 80 discussed above and claims 49, 75, and 76 depending from claims 48 and 74) under 35 USC 103(a) as being unpatentable over Lamkin in view of Otsuka, Kanazawa, and Berstis be withdrawn.

Patentability of New Claims 81 and 82

It is submitted that Lamkin, Otsuka, Kanazawa, and Berstis do not disclose or suggest the following feature of new dependent claim 81:

wherein the one of the plurality of mark-up documents corresponding to different parental levels that is specified by the start-up mark-up document is a mark-up document that is to be automatically interpreted by the presentation engine before the presentation engine interprets any other mark-up document except the start-up mark-up document and before any of the AV data is reproduced and displayed on the interactive mode screen in the interactive mode,

or the following feature of new dependent claim 67:

wherein the mark-up document comprising instructions corresponding to different parental levels is a mark-up document that is to be automatically interpreted by the presentation engine either (1) before the presentation engine interprets any other mark-up document except a start-up mark-up document of the mark-up documents and before any of the AV data is reproduced and displayed on the mark-up screen, or (2) before the presentation engine interprets any other mark-up document and before any of the AV data is reproduced and displayed on the interactive mode screen.

Accordingly, it is submitted that new claims 81 and 82 are patentable over Lamkin, Otsuka, Kanazawa, and Berstis, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Office is requested to telephone the undersigned to attend to these matters.

Please charge any fees under 37 CFR 1.16 and 1.17 that may be required for this paper only to Deposit Account 50-5113 in the name of North Star Intellectual Property Law, PC.

Respectfully submitted,

Date: October 24, 2011

By: /Randall S. Svihi/
Randall S. Svihi
Registration No. 56,273

NSIP Law
1156 15th Street NW, Suite 603
Washington, DC 20005
Tel: (202) 429-0020
Fax: (202) 315-3758
CYP/RSS